

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30174 of 2025

Arising Out of PS. Case No.-636 Year-2024 Thana- MANER District- Patna

Nirmal Kumar S/o- Late Lal Dhari Rai Village- Mohanpur PO- Maner Ps-
Maner Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siddharth Prasad, Advocate
	:	Mr. Om Prakash Kumar, Advocate
	:	Mr. Shashank Shekhar, Advocate
	:	Mr. Sunit Kumar, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Rajni Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard Mr. Siddharth Prasad, learned counsel for the petitioner and Mr. Krishna Prasad Singh, learned Senior Counsel representing the informant.

2. The petitioner is apprehending his arrest in connection with Maner P.S. Case No. 636 of 2024 for the offence under Sections 406 and 420 of the Indian Penal Code, lodged on 16.09.2024 by the informant, Chandra Bhushan Singh.

3. As per the prosecution story, the informant alleged that he entered into an agreement with the petitioner with regard to transfer of land, both being developers. However, despite payment of Rs.21,00,000/-, he failed to move further in the



matter, upon demand through legal notice, another case came to be filed by him alleging due of Rs. 6 Crore. Having no alternative, the present case.

4. Learned counsel for the petitioner submits that both are developers, bonafide confusion may have occurred between the parties, in fact the informant owes Rs. 6 Crore to him as some land were transferred without payment. The further submission is that this petitioner has no criminal antecedent, he is a respectable person and since a case has come against him, without accepting the allegation and/or admitting the facts on record, to ease the matter, he intends to pay Rs. 21,00,000/- to the informant through Demand Draft issued in the name of informant by a local branch of State Bank of India. Further submission is that if the same is made in two or three installment, it would be easier for him to repay.

5. Learned Senior Counsel though opposes the prayer submits that both are businessmen, since the petitioner is ready to return the amount, for the present, he is not opposing the relief sought for by him.

6. Considering the submissions of the parties as also that the case has been lodged, the petitioner will face the music, he has no criminal antecedent, is ready to pay the amount, in



that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.21,00,000/- by Demand Draft issued by the local branch of State Bank of India in the favour of informant in the following manner:

(i) Rs.11,00,000/- at the time when the bail bond is executed;

(ii) Rs.5,00,000/- by 15th of June, 2025 and;

(iii) the last installment of Rs.5,00,000/- by 31st of July, 2025.

7. Failure to make payment as undertaken by the petitioner, the informant shall be free to take recourse for the cancellation of bail bond.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Danapur, in connection with Maner P.S. Case No. 636 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

9. Whatever observation that has been made, the same is only for consideration of the anticipatory bail of the petitioner which shall not be taken up for consideration in future.

(Rajiv Roy, J)

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